

Atty. Dkt. No. 00CR063/KE (47141-149)

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

No claims are added or amended. No new matter is added.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-30 remain pending in this application.

Claim Rejections - 35 U.S.C. § 103

In paragraph 2 of the Office Action, the Examiner rejected claims 1-30 as being obvious over U.S. Patent No. 6,201,797 titled "High Bandwidth Delivery and Internet Access for Airborne Passengers" to Leuca, et al. ("Leuca") in view of U.S. Patent No. 5,524,272 titled "Method and Apparatus for Distributing Program Material" to Podowski, et al. ("Podowski") under 35 U.S.C. § 103(a).

The Examiner stated that:

Respecting claims, 1, 12, 13, and 17, Leuca discloses a communication system (figs. 1 and 2) for a mobile platform (Airborne), the mobile platform being stationary at a docking area, the communication system comprising:

A server located in a ground-based station (figs. 1, 2, col. 3, line 18-24 and col. 4, line 27-61) and comprising a wireless transceiver, a first satellite receiver, and first storage unit, the server (Server 33) being configured to store order data received by the first satellite, and to store video data received by the first satellite receiver in the storage unit in response to the order wire data (col. 2, line 58-col. 3, line 20-col. 6, line 14),

a satellite receiver on the mobile platform (Aircraft 40); a wireless docking area transceiver; a wireless platform transceiver on the mobile platform receiving order wire data and video data from the wireless docking area transceiver while the mobile platform is at the docking area; and a storage unit (server 12), the storage unit being located on the mobile platform, the wireless docking area transceiver providing video data and the order wire data to the wireless platform transceiver while the mobile platform is at the docking area,

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where the storage unit stores the video for playback in the mobile platform and the storage unit storing the order wire data, the order wire data controls a source of video playback of a program being either video data in the storage unit or the satellite receiver, or both the storage unit and the satellite receiver (col. 2, line 58-col. 3, line 30 and line 31-col. 6, line 14).

The Examiner acknowledged that Leuca does not disclose:

the claimed limitation docking area for receiving order wire and video data from a distribution center, and communicates data to the mobile platform while the mobile platform is at the docking area.

The Examiner stated that Podowski discloses:

a docking area [terminal] for a mobile platform [aircraft] (see fig. 1) at which various entertainment and control data are communicated from a distribution center to said mobile platform (see cols. 2-3).

The Examiner concluded that:

it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Podowski into the system of Leuca to provide a docking area and server to store order wire data and video data received by the satellite receiver in the storage unit in response to the order wire data, thereby simplifying the distribution of said data by the distribution system.

Leuca is directed to two way data communications between an airborne data terminal station, such as a personal computer (PC) or laptop computer, and a ground-based data network, such as the internet, using a packet data switching technology (col. 2, ll.49-53).

Podowski is directed to a system for distributing signals from a central location to a plurality of airline terminals and aircraft parked at the terminals (col. 2, ll.24-34).

Claim 1 (as previously presented) is in independent form and comprises, in combination with other elements, a second satellite receiver on the mobile platform and a second storage unit storing order wire data on the mobile platform, wherein "the order wire data controls a source of video for playback of a program being either video data in the second storage unit or the second satellite receiver, or both the second storage unit and the second satellite receiver." The combination of stored data and satellite data allows the selection of program content produced or transmitted during the period while the platform is mobile, including continuation of live

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programs partially received while the mobile platform is stationary at the docking area (Specification p. 24, ll.21-27). Claims 2-11 depend from independent Claim 1.

The Examiner cites Leuca (col. 2, line 58-col. 3, line 20 and line 31-col. 6, line 14) for reciting order wire data controlling a source of video playback of a program being either video data in a storage unit on board the mobile platform, or video data from a satellite receiver. Leuca discloses a packet-switching mechanism providing an air-to-ground communications link between airborne data terminals and a ground-based network (col. 2, line 58-col. 3, line 20). Leuca further discloses use of several different data transport interface circuits 17-20 for accessing a ground-based network (col. 3, line 44-col. 4, line 61), which may include accessing video data (col. 4, ll.58-61). Applicant respectfully submits that Leuca does not disclose or suggest a system wherein "order wire data controls a source of video" selected from video data in a storage unit on the mobile platform, and video data received from a satellite receiver.

The Examiner cites Podowski for the claimed limitation "docking area" for receiving order wire and video data from a distribution center. Podowski discloses a system wherein distribution of video data to aircraft occurs only when the aircraft are docket at terminals. Applicant respectfully submits that Podowski does not disclose or suggest a system wherein "order wire data controls a source of video for playback" selected from video data in a storage unit on the mobile platform, and video data received from a satellite receiver.

The "communication system for a mobile platform" recited in independent Claim 1 (as previously presented) would not have been obvious in view of Leuca, alone or in any proper combination with Podowski under 35 U.S.C. § 103(a). Leuca alone, or in combination with Podowski, does not disclose or suggest a system where "order wire data controls a source of video for playback of a program" and where the video data may be located in a storage unit on the mobile platform, or a mobile platform satellite receiver, or both the mobile platform storage unit and the mobile satellite receiver. To transform the high bandwidth internet delivery system of Leuca and the system of distributing program signals to a airport terminals of Podowski into a "communication system for a mobile platform" (as recited in Claim 1) would require still further modification, and such modification is taught only by the Applicants' own disclosure. The

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suggestion to make the combination of Leuca and Podowski has been taken from the Applicants' own specification (using hindsight), which is improper.

The Examiner rejected independent claims 12, 13, and 17 for similar reasons. The Applicant respectfully submits that claims 12, 13, and 17 are patentable for at least the same reasons as stated above in regard to independent claim 1.

Claim 12 (as previously presented) is in independent form and comprises, in combination with other elements, a "processor determining whether to use the data representative of video from the first storage unit or the video data from the first satellite receiver in response to the order data."

Claim 13 (as previously presented) is in independent form and comprises, in combination with other elements, "fifth means for controlling video data ... in response to the order wire data." Claims 14-16 depend from independent Claim 13 (as previously presented).

Claim 17 (as previously presented) is in independent form and comprises, in combination with other elements, "displaying the video images on-board the mobile platform in accordance with the video data stored on-board the mobile platform or with the video signals being received by the mobile platform satellite receiver in response to the order wire data for a program." Claims 18-30 depend from independent Claim 17 (as previously presented).

Dependent claims 2-11, 14-16, and 18-30 which variously depend from independent claims 1, 13, and 17 are also patentable. See 35 U.S.C. § 112 ¶ 4.

Applicant respectfully requests withdrawal of the rejection of Claims 1-30 under 35 U.S.C. § 103(a).

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

Date

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By

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